

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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IME WATCHDOG, INC.,

Plaintiff,

-against-

SAFA ABDULRAHIM GELARDI, VITO GELARDI,  
GREGORY ELEFTERAKIS, ROMAN POLLAK,  
ANTHONY BRIDDA, IME COMPANIONS LLC,  
CLIENT EXAM SERVICES LLC, and  
IME MANAGEMENT & CONSULTING LLC,

Defendants.  
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Case No.: 1:22-cv-1032 (PKC) (JRC)

**DECLARATION OF DANIELLA LEVI  
PURSUANT TO CPLR § 6212 IN  
COMPLIANCE WITH THE  
FEBRUARY 21, 2024 ORDER**

I, Daniella Levi, Esq., pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am the President and Chief Executive Officer (“CEO”) of IME WatchDog, Inc. (hereinafter the “Plaintiff”) in the above-referenced case.
2. I submit this declaration pursuant to this Court’s February 21, 2024 Order, and in compliance with New York Civil Practice Law & Rules (“CPLR”) § 6212, in further support of Plaintiff’s renewed motion for attachment, or alternatively, for an Order directing all proceeds of the sale of 148 Clay Pit Road, Staten Island, NY to be held in escrow until the issuance of an Order on Plaintiff’s pending motion for attorneys’ fees and costs.
3. Plaintiff states claims for a money judgment for which this Court has already concluded that Plaintiff will probably succeed. See ECF Docket Entries 66, 80, and Text Only Order on Motion for Preliminary Injunction dated April 5, 2022.
4. Moreover, this Court has concluded that it “is prepared to find Safa in civil contempt of the Amended Injunction and the March 2023 TRO”, for which it may award Plaintiff attorneys’ fees and costs. See ECF Docket Entry 254.

5. The only question is the amount of attorneys' fees and costs.

6. Grounds for attachment under CPLR 6201 therefore exist for several reasons.

7. *First*, Safa Gelardi ("Safa") is a nondomiciliary residing without the state. See CPLR 6201(1).

8. Indeed, she has moved out of New York state and now resides in Texas. See ECF Docket Entry 257.

9. *Second*, with the apparent intent of frustrating the enforcement of a judgment that might be rendered in Plaintiff's favor, Safa is in the process of disposing of property within New York State. See CPLR § 6201(3).

10. Indeed, since the commencement of this case, Safa has sold – and continues to sell – her vast real estate holdings amassed during the time she enjoyed the fruits of Plaintiff's misappropriated trade secrets, and she has moved to Texas<sup>1</sup> in order to evade an inevitable judgment.

11. Safa has sold the following real estate since the commencement of this case:

- 1523 N Hollywood St, Philadelphia, PA 19121 sold on December 5, 2023 for \$229,000 ([https://www.zillow.com/homedetails/1523-N-Hollywood-St-Philadelphia-PA-19121/10317908\\_zpid/](https://www.zillow.com/homedetails/1523-N-Hollywood-St-Philadelphia-PA-19121/10317908_zpid/))
- 5265 Milford Road, East Stroudberg, PA 18302 sold on April 29, 2022 for \$569,400 ([https://www.zillow.com/homedetails/5265-Milford-Rd-East-Stroudsburg-PA-18302/9815637\\_zpid/](https://www.zillow.com/homedetails/5265-Milford-Rd-East-Stroudsburg-PA-18302/9815637_zpid/))
- 1475 Moon Valley Dr, Champions Gate, FL 33896 sold on December 15, 2023 for \$760,000 ([https://www.zillow.com/homedetails/1475-Moon-Valley-Dr-Davenport-FL-33896/122987470\\_zpid/](https://www.zillow.com/homedetails/1475-Moon-Valley-Dr-Davenport-FL-33896/122987470_zpid/))

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<sup>1</sup> Indeed, Texas is a debtor-friendly state. See, e.g., <https://www.irsdefenseattorney.com/tax-debt-lawyer/is-texas-a-debtor-friendly-state/#:~:text=Texas%20is%20one%20of%20the,hardship%20because%20of%20unpaid%20debt> ("Texas is one of the most debtor-friendly states in the US because of several protections afforded to debtors under the law and the state constitution. ..."); see also <https://www.dallasnews.com/business/personal-finance/2012/08/18/texas-law-puts-protective-umbrella-over-debtors/> ("Texas is known to be one of the best debtor-friendly states, and it's because we have protections even in our constitution").

12. Safa put her luxurious Florida vacation home on the market on September 14, 2022, merely three (3) months after the Court entered a preliminary injunction against her on June 8, 2022 wherein the Court concluded that Plaintiff was likely to succeed on its claims against Defendants. See [https://www.zillow.com/homedetails/1475-Moon-ValleyDr-Champions-Gate-FL-33896/122987470\\_zpid/](https://www.zillow.com/homedetails/1475-Moon-ValleyDr-Champions-Gate-FL-33896/122987470_zpid/).

13. After purchasing the property for \$684,500.00 in December 2021, Safa first sought to sell it for \$975,000.00 on September 14, 2022. *Id.*

14. She then repeatedly decreased the price as follows: (i) by \$75,100.00 to \$899,900.00 on January 5, 2023; (ii) by \$74,900.00 to \$825,000.00 on January 23, 2023; and (iii) by \$25,100.00 to \$799,900.00 on February 17, 2023.

15. She ultimately sold the Florida home on December 15, 2023 for only \$760,000.

16. Safa recently moved to Texas and is now in the process of selling her former New York residence located at 148 Clay Pit Road, Staten Island, NY 10309 (see [https://www.zillow.com/homedetails/148-Clay-Pit-Rd-Staten-Island-NY-10309/32373563\\_zpid/](https://www.zillow.com/homedetails/148-Clay-Pit-Rd-Staten-Island-NY-10309/32373563_zpid/)), which may already be in contract.

17. Safa is also in the process of selling 9 Woods End, Lake Harmony, PA 18624. See [https://www.zillow.com/homedetails/9-Woods-End-Lake-Harmony-PA-18624/93560323\\_zpid/](https://www.zillow.com/homedetails/9-Woods-End-Lake-Harmony-PA-18624/93560323_zpid/)

18. I understand that direct proof of fraud can rarely be obtained, and ordinarily can be inferred from the circumstances.

19. I respectfully request that the Court infer that Safa has engaged in fraud by dissipating her assets under the circumstances here, where, shortly after Plaintiff commenced this action on February 25, 2022, Safa began to, and continues to, sell all of her real estate, and has moved to Texas, a state that is known to be protective of judgment debtors.



20. Safa has also repeatedly defied Court orders to pay the forensic examiner in this case, further *indicia* that she has no intention of satisfying any financial obligations or complying with any Court Orders related to the instant litigation. See ECF Docket Entries 234 & 271.

21. It is therefore no surprise for me to learn that her Staten Island home is under contract within twenty-four (24) hours after this Court issued an Order concerning the March 13, 2024 hearing.

22. Safa has no counterclaims against Plaintiff. See ECF Docket Entry 87.

23. As a result, Safa should be enjoined from selling her Staten Island home.

24. Alternatively, I respectfully request that the proceeds from any sale be held in escrow to ensure that Plaintiff can collect from Defendants on its anticipated judgment for attorneys' fees and costs.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 23, 2024.

  
Daniella Levi